

REMARKS

The Office Action of August 28, 2002, has been carefully considered.

It is noted that claims 1, 2, 9-12, 14 and 15 are rejected under 35 U.S.C. §102(b) over WO 88/096792 McNeirney et al.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) over McNeirney et al. in view of Sams.

Claim 5 is rejected under 35 U.S.C. §103(a) over McNeirney et al. in view of the patent to Thibault et al.

Claim 6 is rejected under 35 U.S.C. §103(a) over McNeirney et al. in view of Thibault et al.

Claim 8 is rejected under 35 U.S.C. §103(a) over McNeirney et al. in view of Thibault et al., and further in view of the patent to Kolberg.

Claim 13 is rejected under 35 U.S.C. §103(a) over McNeirney et al. in view of the patent to Hecker.

In view of the Examiner's rejections of the claims, applicant has amended independent claim 1 to specifically recite that the plastic sealing stopper part is immovably fixed completely within the elongate hollow body.

It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to McNeirney et al., it can be seen that this reference discloses a hypodermic syringe in which the stopper 22 is not fixed in the barrel but is instead movable. Both the stopper 22 and piston 30 advance forward to force the contents of the barrel out. (See page 6, lines 29-30 of McNeirney et al.). Furthermore, even if one considers

the cap 21 of McNeirey et al. to be a stopper, this is not as recited in the presently claimed invention which requires that the stopper be fixed completely within the elongate hollow body. Cap 21 of McNeirney et al. is arranged outside the syringe body.

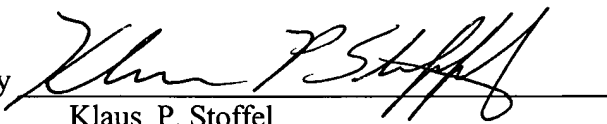
Thus, it is respectfully submitted McNeirney et al. do not disclose a metering receptacle having features recited in the claims presently on file, and in particular they do not disclose a sealing stopper immovably fixed within the elongate hollow body. Thus, it is respectfully submitted that the rejection of claims 1, 2, 9-12, 14 and 15 under 35 U.S.C. §102(b) over the above discussed reference is overcome and should be withdrawn.

As for the remaining rejections, various of the dependent claims under 35 U.S.C. §103(a), these claims all share the presumably allowable features of independent claim 1 and none of the references relied upon by the Examiner suggest such a feature. Therefore, it is respectfully submitted that the various rejections of claims 3-6, 8 and 13 under 35 U.S.C. §103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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AMENDMENTS TO THE SPECIFICATION AND CLAIMS SHOWING CHANGES

In the Claims:

Claim 1. (2x Amended) A metering receptacle, comprising: an elongate hollow body having a first end with a closable exit opening and a second end; a plastic plunger stopper accommodated in the hollow body in a longitudinally displaceable manner so as to close the second end of the hollow body; and a plunger rod attached to the stopper, the plunger stopper including a sealing stopper part of plastic which is immovably fixed completely within [positioned rigidly in] the elongate hollow body and has a centric through-bore for the passage of the plunger rod, and a longitudinally displaceable plunger part of lubricious plastic connected to the plunger rod so that the displaceable plunger part is movable away from the sealing stopper part when the plunger rod is moved through the through-bore.